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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS(COMM) 1474/2016

M/S PRISTINE LOGISTICS & INFRAPROJECTS PVT LTD.

..... Plaintiff

Through Mr. Ravi Gupta, Sr. Adv. with
Mr. Rajesh Wadhwa and Mr. Sahil
Chopra, Advs.

versus

M/S SABEE FINANZ PVT. LTD. & ORS. Defendants

Through Mr. Kirti Uppal, Sr. Adv. with
Mr. Vishesh Issar and Mr. Sidharth
Chopra, Advs.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **23.11.2017**

1. In view of the ratio of the judgment of the Supreme Court in the case of *Harshad Chiman Lal Modi vs. DLF Universal Limited and Anr. (2006) 1 SCC 364*, plaintiff is allowed to withdraw the suit as the suit property is situated at Ludhiana. Plaintiff is also at liberty to file a fresh suit in the competent court at Ludhiana or in any other competent court inasmuch as the present suit is a suit seeking specific performance of an immovable property situated at Ludhiana in Punjab.

2. It is also observed that plaintiff in view of having bonafidely approached this Court which was wrong court of territorial jurisdiction, therefore for the period of pendency of this suit the plaintiff is entitled to benefit of Section 14 of the Limitation Act.

3. Plaintiff is held entitled to refund of 50% of the court fee paid and Registry will issue the necessary certificate in the plaint.

IA No.1638/2017 (u/O 7 R-11 r/w Section 16 and 151 CPC)

IA stands disposed of.

VALMIKI J. MEHTA, J

NOVEMBER 23, 2017

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